

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YITZ GROSSMAN,

Plaintiff,

-against-

OFFICER AHAMAD REZAK, *a/k/a Ahmed Rezak in his official and individual capacity*; WARDEN B. VON BLACKENSEE, *in her individual capacity*; CAPTAIN MATT WHINERY, *in his individual capacity*; CHRIS ENTZEL, *Executive Assistant/Camp Administrator in his individual capacity*; CHAPLAIN AVROHAM RICHTER, *in his individual capacity*; and J. L. MALDONADO, *in his individual capacity*,

Defendants.

USDC SDNY
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DATE FILED: 5/12/2022

No. 19 CIV 9191 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Yitz Grossman (“Plaintiff”) commenced this action *pro se* against Defendants Officer Ahamad Rezak, Warden B. Von Blackensee, Captain Matt Whinery, Chris Entzel, Chaplain Avroham Richter, and J. L. Maldonado. (collectively, “Defendants”) on October 4, 2019 alleging Defendants violated his right to freely practice his religion while he was incarcerated at Otisville Correctional Facility. (ECF No. 2.) On December 26, 2019, Plaintiff filed an Amended Complaint. (ECF No. 5.) By Order of Service dated February 4, 2020, the Court directed the Clerk of Court to issue summons for Defendants and further directed Plaintiff to serve summons and complaint on Defendants within 90 days of the issuance of summonses. (ECF No. 6.) On May 1, 2020, Plaintiff requested an extension on his deadline to serve the summons and complaint on Defendants and notified the Court he had been unable to verify the residence of Defendant Ahamad Razek. (ECF No. 8.) On August 24, 2020, this Court granted Plaintiff a 45-day extension

on the service of summons and complaint and directed the New York State Attorney General (“NYS AG”) to provide the current address for service upon Defendant Ahamad Rezak pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997). (“*Valentin* Order,” ECF No. 10.) On May 2, 2022, this Court issued a second *Valentin* Order directing NYS AG to provide the current address for Defendant Rezak. (ECF No. 14.)

On May 11, 2022, NYS AG informed the Court that the New York State Department of Corrections and Community Supervision (“DOCCS”) has never employed anyone with the last name “Rezak.” (ECF No. 15.) Further, the NYS AG observed that allegations in the Amended Complaint “appear to indicate that the alleged incidents took place at the Federal Correctional Institution Otisville run by the Federal Bureau of Prisons, rather than at a DOCCS facility”—and concluded that Defendant Rezak is allegedly employed by the Federal Bureau of Prisons. (*Id.*)

In light of the information from the NYS AG, the Court hereby directs the United States Department of Justice, United States Attorney’s Office (“USAO”) to provide the current address for service upon Defendant Officer Ahamad Rezak, a/k/a Ahmed Rezak by June 27, 2022.

Once the USAO responds with information regarding Defendant Ahamad Rezak’s current address, Plaintiff shall have 30 days from the date of the response to serve the summons and amended Complaint upon Defendant Rezak. Because Plaintiff is not proceeding *in forma pauperis*, the Court reminds Plaintiff that it is the Plaintiff’s responsibility to serve summons and a copy of the amended complaint upon Defendant Rezak once the proper service address is provided.

The Clerk of Court is respectfully directed to mail a copy of this Order to *pro se* Plaintiff at his address listed on ECF and to show service on the docket. The Clerk of Court is further directed to mail a copy of this Order to the United States Department of Justice, United States

Attorney's Office at: 86 Chambers Street, New York, NY 10007, and to show service on the docket.

Dated: May 12, 2022
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge